

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES F. MOORE,

8:07CV448

Plaintiff,

V.

# MEMORANDUM AND ORDER

UNKNOWN WATSON and O.P.D.,

Defendants.

This matter is before the court on Defendants’ Motion to Extend. (Filing No. [19](#).) In their Motion, Defendants state that “Plaintiff has failed to conduct any discovery, failed to communicate with Defendants in any fashion, and failed to respond to Plaintiff’s Interrogatories, Request for Production and Requests [for] Admission.” ([Id.](#) at CM/ECF p. 1.) Indeed, Plaintiff has not taken any action in this matter since he returned the completed summons forms to the court on August 25, 2008. (*See* Docket Sheet.) Thus, it appears that Plaintiff is not prosecuting this matter diligently.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until September 17, 2009 to show cause why this matter should not be dismissed for failure to prosecute diligently.
2. If Plaintiff does not respond, or if good cause is not shown, this action will be dismissed without prejudice and without further notice.
3. The Clerk of the court is directed to set a pro se case management deadline with the following text: September 17, 2009: deadline for Plaintiff to show cause for failure to prosecute diligently.

4. The Final Pretrial Conference, scheduled for September 9, 2009 at 10:00 a.m. is cancelled.

5. Defendants' Motion to Extend (filing no. [19](#)) is denied as moot. In the event that Plaintiff shows adequate cause for his failure to prosecute, the court will enter a new order progressing this matter to final disposition.

August 17, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge  
Supervising Pro Se Judge<sup>1</sup>

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<sup>1</sup>The assigned District Judge, Laurie Smith Camp, is out of the country. Thus, this Memorandum and Order is entered by the Supervising Pro Se Judge.